?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 11.03.2019
*CORAM
THE HON-BLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HON-BLE MR.JUSTICE S.S.SUNDAR

+W.A.(MD)No.286 of 2019
and C.M.P.(MD) No.2342 of 2019

#D.Koodalingam
... Appellant/Petitioner

Vs.

$1.The Principal Secretary
to the Government,
Health and Family Welfare Department,
Secretariat,
Chennai ? 600 006.
2.The Director of Medical and Rural Service (ESI),
Chennai ? 600 006.
3.The Regional Administrative Officer (ESI),
Madurai ? 625 020. ...Respondents/Respondents
Writ Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD)No.13103 of 2011 dated 01.12.2016.

!For Appellant : Mr.C.Jeganathan
for M/s.Veera Associates

^For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

:JUDGMENT

(Judgment of the Court was delivered by S.S.SUNDAR, J)
This Writ Appeal is preferred against the order in W.P.(MD)No.13103 of 2011 dated 01.12.2016, dismissing the writ petition filed by the appellant, wherein, the appellant challenged the order in the revision or review petition passed by the first respondent dated 23.08.2011 and the order of the appellate authority/second respondent dated 21.04.2009.

2.The brief facts, which are necessary for the disposal of this writ appeal are as follows:
The appellant was appointed as Peon in the respondent department and he attained superannuation on 30.06.2008. While he was in service, the appellant was placed under suspension on 02.02.2007 by the third respondent on the ground that an F.I.R. had been registered against him on 16.12.2006 by the Inspector of Police, C.C.I.W for having submitted documents with forged signatures for securing a loan of a sum of Rs.55,000/~. The respondent department initiated disciplinary action by issuing a charge memo against the

appellant and thereafter, he was also removed from services. Against the order of termination, he preferred an appeal before the second respondent and the same was also dismissed. Thereafter, the appellant preferred review/revision before the first respondent and the first respondent has also found that there is nothing to interfere in the review/revision application. The order of respondents 1 and 2 were challenged in the writ petition and the order of termination was also confirmed in the writ petition.
3.It is a peculiar case, wherein the appellant himself has admitted the charges and the charges against the appellant was proved beyond doubt. The appellant has paid the amount of loan that was assumed to have been the loss on account of the illegal conducts.

4.The facts of the case indicate that the appellant has already obtained a loan from Society in which he was a member. For the purpose of getting further loan, it is admitted that the petitioner has fabricated the signature of the Secretary of the Society and manipulated Salary Certificate and No Due Certificate. When the appellant availed the loan with forged documents, criminal action has been taken. Simultaneously, disciplinary proceedings were also initiated against him. In the criminal proceedings, the appellant admitted the guilt, but sought for the relief under the Probation of Offenders Act. After holding that the appellant had admitted the guilt and also made good the loss suffered by the Society, the Criminal Court found that the appellant is entitled to the benefit under Section 4(1) of the Probation of Offenders Act. In the disciplinary proceedings, the charges were held to be proved by the enquiry officer and the disciplinary authority also discharged the appellant from service by accepting the enquiry report. Having regard to the admission, the appellant has made before the Criminal Court and before the disciplinary authority, the appellant is guilty of forgery and manipulation of records and hence order of termination is justified. There is absolutely no reason for the department to accept the case of appellant to order reinstatement and give employment in the case of this nature. There cannot be any misplaced sympathy in favour of a person, whose conduct is bad. The learned Judge has dismissed the writ petition after finding that the appellant has not made out a case for entertaining the writ petition. We find no reason to interfere in the order passed in the writ petition.

5.In the result, the Writ Appeal is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

To

1.The Principal Secretary to the Government,
Health and Family Welfare Department,
Secretariat,
Chennai ? 600 006.

2.The Director of Medical and Rural Service (ESI),
Chennai ? 600 006.

3.The Regional Administrative Officer (ESI),

Madurai ? 625 020.